

to come today to please pass this bill; take some action; provide some comfort to all the parents who are grieving, to a nation that is grieving.

So I came to the floor today, and I will not engage in partisanship other than to say it is just sad—it is just sad that this body can't pass this bill when, about a month ago, they passed an identical bill that applied to churches. This one applies to schools. Yet it is inappropriate, according to the majority leader, to pass this nonpartisan bill by unanimous consent? This is a very sad day for the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

NOMINATION OF HENRY CHRISTOPHER FREY

Mr. MCCONNELL. Madam President, gas prices have set new alltime record highs every day for more than 2 weeks. Overall inflation is the worst it has been in more than 40 years. And the Biden administration is preparing to follow their botched Afghanistan retreat with a disastrous nuclear deal that would help Iran and hurt America.

But this week, the Senate Democrat majority is not taking action on any of those things; the Senate is instead spending the week cramming more far-left bureaucrats into the executive branch, where they will keep making these problems even worse.

Later today, Senate Democrats want to confirm as Assistant Administrator for EPA someone who has previously researched the environmental impact of football tailgating and concluding it would be best for the environment if the authorities—listen to this—banned charcoal grills and gas generators. This is no joke. Dr. Christopher Frey literally coauthored a research paper that argued that “the most environmentally responsible policy would be . . . a universal ban on idling, charcoal grills, and old generators”—just the nominee the American people need confirmed by Memorial Day weekend.

So, honestly, where do they find these people? The same nominee wrote in defense of the illegal, job-killing so-called Clean Power Plan. As a past chairman of the EPA's Clean Air Scientific Advisory Committee, he worked to politicize its work from outside.

Things aren't going any better at the committee level. This morning, the HELP Committee deadlocked on the nomination of Kalpana Kotagal, whom President Biden wants to put on the Equal Employment Opportunity Commission. Ms. Kotagal is a liberal plaintiff's lawyer who is best known for rewriting Hollywood legal contracts to push movie casting toward racial quotas, gender quotas, and sexual orientation quotas. The President has found the one person in America who thinks liberal Hollywood is not woke enough.

The nominee also has a record of hostility to American energy. She has been both an official spokeswoman and a registered lobbyist for a far-left group that wants to eliminate fossil

fuels. She is on the board of another organization that has frivolously sued the State of West Virginia over energy issues.

The American people know Washington Democrats' policies hurt working families. They have seen that in our colleagues' legislation. And it is more of the same when it comes to the nominees they are picking to design and carry out their tsunami of regulations.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Madam President, as ranking member of the Committee on Environment and Public Works, I rise to oppose the nomination of Dr. Chris Frey due to the consistent lack of responsiveness from the EPA on our critical oversight matters.

The Republican leader, Senator MCCONNELL, just talked about Dr. Frey's research on gas grills and grilling out, but over the past 16 months, my objections are that the Biden EPA has repeatedly slow-walked responses to reasonable oversight requests for Agency briefings and documents related to implementation of policies with huge, huge implications for our economy and our constituents' lives.

We cannot adequately oversee the Agency's programs—including historic levels of drinking water infrastructure funding made possible by the bipartisan IIJA—without this transparency. Until the EPA heeds congressional oversight requests, I urge my colleagues to join me in opposing Dr. Frey's nomination.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, as we heard from previous speakers, we will shortly vote to invoke cloture on the nomination of Dr. Christopher Frey to be Assistant Administrator for EPA's Office of Research and Development. I rise today in strong support of his nomination.

Chris Frey, as he is known to his friends and colleagues, is an outstanding public servant, a deeply respected scientist, and an excellent choice to fill this leadership role at EPA.

The Office of Research and Development provides the bedrock of scientific analysis upon which we establish our Nation's critical environmental protection regulations. The EPA is able to fulfill its responsibilities to protect our air that we breathe, to protect the water that we drink, and the land we build our communities upon because of the robust scientific research provided by what is called O-R-D, the Office of Research and Development.

Dr. Frey's nomination received a bipartisan vote in the Committee on Environment and Public Works. He has the experience, intellect, and integrity to lead this indispensable office. I am eager to see him confirmed.

I encourage my colleagues to join me in supporting cloture on his nomination. This is about restoring science as the guiding force in EPA's work.

I yield the floor.

VOTE ON THOMPSON NOMINATION

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I know of no further debate on the nomination.

The PRESIDING OFFICER. If there is no further debate, the question is, Will the Senate advise and consent to the Thompson nomination?

Mr. CARPER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Oregon (Mr. MERKLEY) and the Senator from Maryland (Mr. VAN HOLLEN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Texas (Mr. CRUZ), and the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 46, as follows:

[Rollcall Vote No. 203 Ex.]

#### YEAS—49

Baldwin	Hickenlooper	Rosen
Bennet	Hirono	Rounds
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Lujan	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Warner
Duckworth	Murphy	Warnock
Durbin	Murray	Warren
Feinstein	Ossoff	Whitehouse
Gillibrand	Padilla	Wyden
Hassan	Peters	
Heinrich	Reed	

#### NAYS—46

Barrasso	Grassley	Risch
Blackburn	Hagerty	Romney
Blunt	Hawley	Rubio
Boozman	Hoeben	Sasse
Braun	Hyde-Smith	Scott (FL)
Burr	Inhofe	Scott (SC)
Capito	Johnson	Shelby
Cassidy	Kennedy	Sullivan
Collins	Lankford	Thune
Cotton	Lee	Tillis
Cramer	Lummis	Toomey
Crapo	Marshall	Tuberville
Daines	McConnell	Wicker
Ernst	Moran	Young
Fischer	Paul	
Graham	Portman	

#### NOT VOTING—5

Cornyn	Merkley	Van Hollen
Cruz	Murkowski	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the

Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 651, Henry Christopher Frey, of North Carolina, to be an Assistant Administrator of the Environmental Protection Agency.

Charles E. Schumer, Jacky Rosen, Cory A. Booker, Elizabeth Warren, Benjamin L. Cardin, Patty Murray, Brian Schatz, Robert P. Casey, Jr., Margaret Wood Hassan, Alex Padilla, Amy Klobuchar, Tina Smith, Jeff Merkley, Jack Reed, Angus S. King, Jr., Chris Van Hollen, John W. Hickenlooper.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Henry Christopher Frey, of North Carolina, to be an Assistant Administrator of the Environmental Protection Agency, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Oregon (Mr. MERKLEY), the Senator from Maryland (Mr. VAN HOLLEN), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Texas (Mr. CRUZ), and the Senator from Arkansas (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote or change their vote?

The yeas and nays resulted—yeas 51, nays 43, as follows:

#### [Rollcall Vote No. 204 Ex.]

##### YEAS—51

Baldwin	Gillibrand	Padilla
Bennet	Hassan	Peters
Blumenthal	Heinrich	Portman
Booker	Hickenlooper	Reed
Brown	Hirono	Rosen
Burr	Kaine	Sanders
Cantwell	Kelly	Schatz
Cardin	King	Schumer
Carper	Klobuchar	Shaheen
Casey	Leahy	Sinema
Collins	Lujan	Smith
Coons	Manchin	Stabenow
Cortez Masto	Markey	Tester
Cramer	Menendez	Warner
Duckworth	Murphy	Warnock
Durbin	Murray	Warren
Feinstein	Ossoff	Wyden

##### NAYS—43

Barrasso	Grassley	Moran
Blackburn	Hagerty	Paul
Blunt	Hawley	Risch
Boozman	Hoehn	Romney
Braun	Hyde-Smith	Rounds
Capito	Inhofe	Rubio
Cassidy	Johnson	Sasse
Cotton	Kennedy	Scott (FL)
Crapo	Lankford	Scott (SC)
Daines	Lee	Shelby
Ernst	Lummis	Sullivan
Fischer	Marshall	
Graham	McConnell	

Thune	Toomey	Wicker
Tillis	Tuberville	Young

#### NOT VOTING—6

Cornyn	Merkley	Van Hollen
Cruz	Murkowski	Whitehouse

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 43.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The clerk will report the nomination.

The bill clerk read the nomination of Henry Christopher Frey, of North Carolina, to be an Assistant Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. The senior Senator from Montana.

Mr. TESTER. Is this a proper forum to do a unanimous consent request?

The PRESIDING OFFICER. It is.

#### UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. TESTER. Madam President, the Department of Veterans Affairs needs a steady hand to guide the Veterans Health Administration, this Nation's largest integrated healthcare system that delivers quality care and timely care to our veterans, if they have a leader.

I rise today because Dr. Shereef Elnahal is that person. He has an impressive record of leading healthcare systems and health agencies.

Most recently Dr. Elnahal served as president and CEO of University Hospital in Newark, NJ, and previously as New Jersey's 21st health commissioner. But, more importantly, he is committed to caring for the more than 9 million veterans in VA care, a commitment he has carried out as assistant deputy undersecretary for health and quality, safety, and value at the department. It is no secret that VHA and healthcare systems of providers nationally are going through a challenging time.

VA is continuing to battle the impact of the COVID-19 pandemic, with veterans' cases, hospitalizations and death on the rise again. And VA staff are dealing with burnout and increasing turnover in our VA system.

So I am going to tell you, if the people of this body want to help—want to help veterans, holding this nominee is not the way to help veterans. And I will tell you what, they are actually doing a disservice to veterans and their families by playing political games and preventing permanent healthcare leadership at the VA, which is so critically important.

In the past, this body has been able to rise above politics to install qualified individuals at the VA, responsible for getting vets the healthcare and the benefits that they not only need but they have earned. And today, we must do that again.

We must act without delay to confirm Dr. Elnahal as VA's next undersecretary for health.

So with that, I would ask unanimous consent that notwithstanding rule 22,

the Senate consider the following nomination: Calendar No. 902, Shereef M. Elnahal, to be undersecretary for health of the Department of Veterans' Affairs; that the Senate vote on the nomination without intervening action or debate, the motion to reconsider be considered made and laid upon the table, that any statements related to the nomination be printed in the record.

The PRESIDING OFFICER. Is there objection?

The junior Senator from Florida.

Mr. SCOTT of Florida. Reserving the right to object.

Throughout his presidency, Joe Biden and his administration have shown an inability to place qualified and competent people in many positions of power across the Federal Government. We have had crisis after crisis due to the failed leadership of President Biden and his appointees.

Americans have been left with no faith in President Biden's ability to lead or appoint qualified individuals to serve in these important roles. And this nominee, who will be in charge of critical healthcare programs in the Department of Veterans Affairs, is no different.

I cannot and will not consent to allow this nominee to move forward in an expedited manner.

We should take a vote so every Senator can get on the record with their support or opposition to this nominee.

Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The senior Senator from Montana.

Mr. TESTER. Madam President, this individual—through the Chair—has been President and CEO of University Hospital in Newark, NJ. He has been New Jersey's 21st health commissioner. Why do you think—Senator from Florida, through the Chair, why do you think that makes him unqualified? Would the Senator from Florida like to respond?

Mr. SCOTT of Florida. I don't think we should do this in an ex parte manner.

Mr. TESTER. What is that? I couldn't hear you.

The PRESIDING OFFICER. The junior Senator from Florida.

Mr. SCOTT of Florida. I don't think we should do this in an ex parte manner. I think everybody should be on the record.

Mr. TESTER. So we had a hearing on Mr. Elnahal. If my memory serves me correct, he went out by voice, because he was so very, very good.

I would really appreciate it if the Senator from Florida would at least stay here rather than turn his back on the veterans of America and walk out the door, turning his back on the American veterans, the people who have served this country, the people who have fought. We are coming up to Memorial Day. I hope that the Senator from Florida doesn't walk into Memorial Day services and talk about what a